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DEPARTMENT OF PUBLIC HEALTH
STATE OF OKLAHOMA

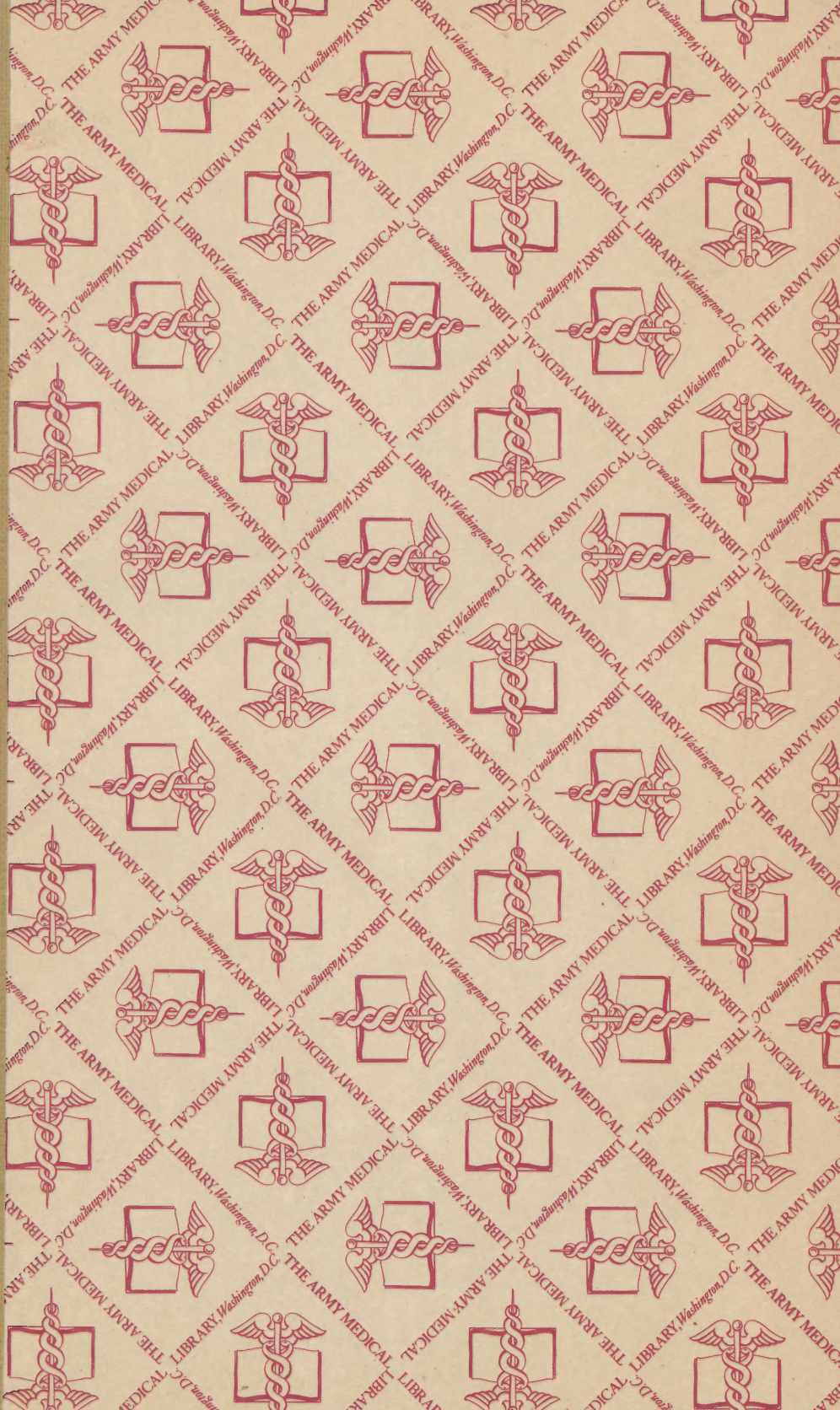
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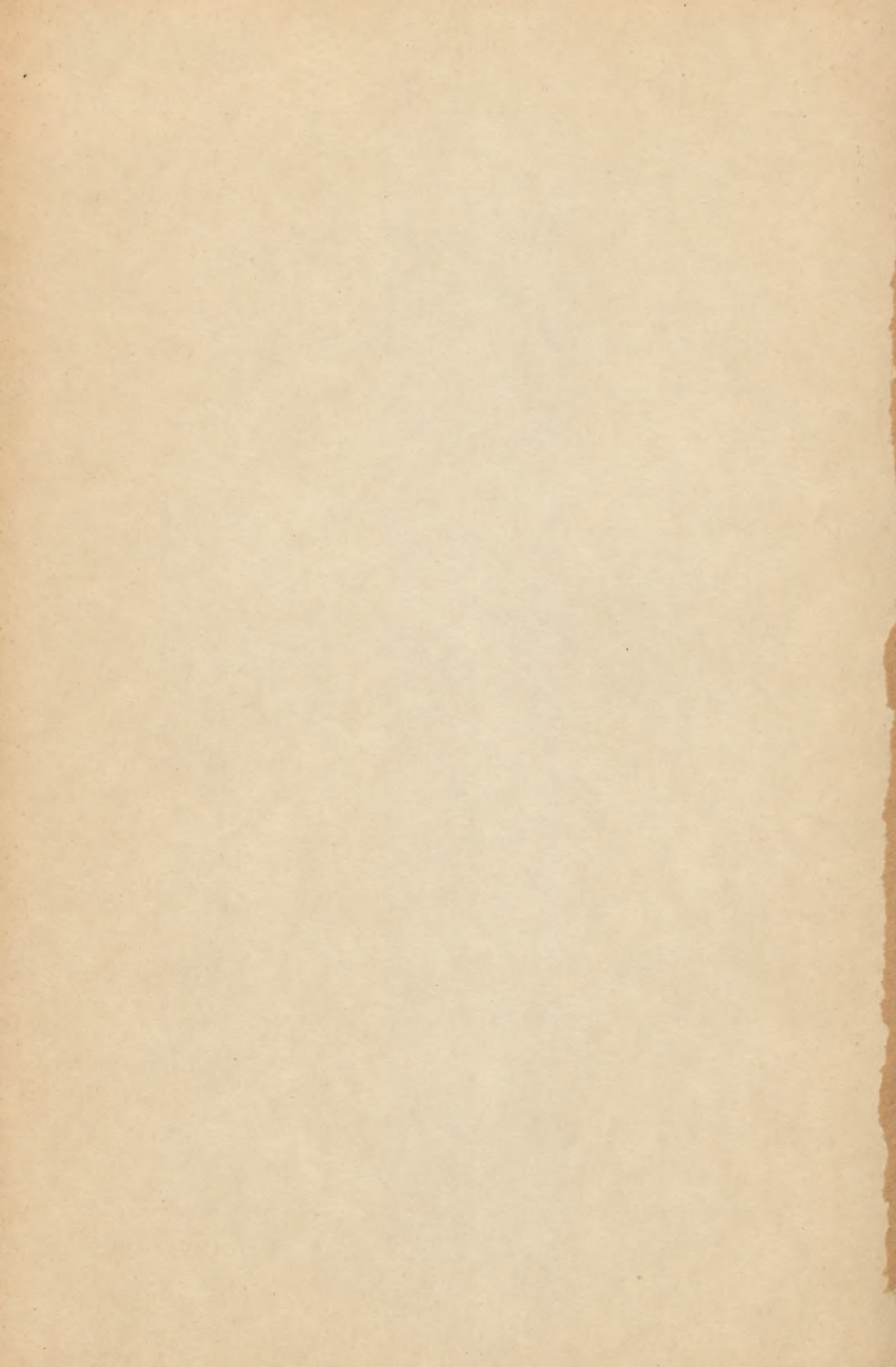
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DEPARTMENT *of* PUBLIC HEALTH

State of Oklahoma

Laws, rules, regulations and instructions to local health officers for the control and the suppression of contagious and infectious venereal diseases.

COMPILED

1944

(Annotated)



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P R E F A C E

There has been a tremendous expansion during the past few years in the scope and influence of public health activities, both in their scientific aspects and in their administrative application, together with the various and sundry legal phases. The need for adequate public health facilities has been recognized by governmental authority, and the public, with gratifying results in better health standards.

These significant developments, together with the prevalent social condition attending the concentration of large bodies of troops at the various military establishments in the State, and the increasing prevalence of infectious and contagious "venereal" diseases, have created a demand for administrative rules and regulations governing the control and suppression of venereal diseases. These I have formulated and included herein.

The present compilation of the rules, regulations and laws governing the control and suppression of venereal diseases, is an attempt to present factual material, only, with a minimum of personal opinion or comment. An endeavor has been made to provide answers to the various problems that have confronted this Department, based upon the rules, regulations, statutes and court decisions of last resort.

Acknowledgment is hereby made of the invaluable assistance of John A. Cowan, M.D., M. S.P.H., Director, Division of Venereal Disease Control, Oklahoma State Health Department, and R. O. Ingle, J. D., member of the Oklahoma Bar, in the preparation and formulation of these rules, regulations and instructions and the compilation of the statutes germane thereto.

It is hoped that this pamphlet will prove of value to all health officials of the State, or any one else having to interpret or administer the rules, regulations and laws governing the control of venereal diseases.

G. F. MATHEWS, M.D.

State Commissioner of Health.

References are to Oklahoma Statutes 1941 and laws supplementary thereto down to and including 1943 Session Laws, and the latest rules and regulations of the Department of Public Health of Oklahoma.

(a) POWER TO MAKE RULES AND REGULATIONS

Title 63, Section 3: State Commissioner of Health shall have power to make any and all needful rules and regulations for the prevention and cure, and to prevent the spread of any contagious or infectious diseases among persons; to establish quarantine and isolate any persons infected with contagious and infectious diseases.

There are two methods of control: One by direct Act of the legislature, and Second: By rules and regulations of the Commissioner of Health or State Board of Health, made in accordance with the law. *Silkett v. State*, 29 Okl. Cr. 17, 232 P. 127. Ex parte McGee et al, (Kan.) 185 P. 14; *California Red. Co. v. Sanitary Red. Co.* 199 U.S. 306, 26 S. Ct. 100, 50 L. Ed. 204; *Hurst v. Warner* 102 Mich. 238, 47. A.S.R. 525, 26 L.R.A. 484; *State v. Beacham* 125 N.C. 652, 34 S.E. 447; *Blue v. Beach* 155 Ind. 121, 56 N.E. 89, 80 A.S.R. 195, 50 L.R.A. 64; *Isenhour v. State*, 157 Ind. 619, 62 N.E. 40, 87 A.S.R. 228, *Lee V. Marsh* 230 Pa. 351, 79 A. 564; *State v. Morse*, 84 Vt. 387, 80 A. 189, 34 L.R.A. (N.S.) 190, Ann. Cas. 1913 B 218; *State v. Snyder* 131 La. 145, 59 So. 44; *Hawkins v. Hoyer*, 108 Miss. 282, 66 So. 741; *Horn v. State*, 17 Ala. App. 419, 84 So. 883; *State v. Wood*, 51 S. D. 485, 215 N.W. 487, 54 A.L.R. 719; *State v. City of Van Wert* 126 Oh. St. 78, 184 N.E. 12. When properly adopted as authorized by law, such rules and regulations will have the force and effect of law, and must be obeyed by all persons affected by them. *Public Health Law* by Tobey, Page 63, 1939 Edition; *Polinsky v. People* 73 N.Y. 65; *Cartwright v. Board of Health Cohoes* 165 N.Y. 651, 59 N.E. 1120 *Belmont v. New England Brick Co.*, 190 Mass. 442, 77 N.E. 504; *State Board of Health v. Suslin*, 132 La. 569, 61 So. 661. 138 Tex. Cr. Appeals 269, 135 S.W. (2nd) 718. Ex parte Lewis 42 S.W. (2nd) 21.

Title 63, Section 4: It is the duty of the State Board of Health to take charge of districts or localities in the State infected with any contagious disease, and enforce such rules and prescribe such measures as may be deemed necessary to prevent the spread of the same or to suppress it.

(See annotations in section 3, supra.)

Title 63, Section 8: In each county, the County Superintendent of Public Health, who shall be a regular practicing physician, shall have power to isolate persons infected with dangerous and contagious diseases, and to do such other things, with the approval of the State Board of Health, as may be necessary for the preservation of the public health within the county.

(Construed and applied in *Silkett v. State*, 29 Okl. Cr. 17, 232 P. 127). See also annotations in Section 3, supra.

Title 63, Section 19: County Superintendent of Public Health shall enforce the rules and regulations of the State Board

of Health in the prevention of the spread of all infectious, contagious or epidemic diseases in his county, and shall investigate and examine into the causes thereof.

Title 63, Section 10: In each incorporated town of the state, the town board of trustees shall constitute a board of health, and shall be under the supervision of the State Board of Health and the County Superintendent of Public Health.

Title 63, Section 11: In cities in the State, the Mayor and Council shall constitute a Board of Health and have the power to appoint a City Superintendent of Public Health. The City Board of Health shall have the power to enforce all of the rules and regulations in regard to the public health therein.

Title 63, Section 29: For conscious violation of any provision of the health laws, or any lawful rule or regulation of the State Board of Health or any rule or regulation of any inferior board of health, herein authorized to be made, a person shall be guilty of a misdemeanor, and upon conviction, except as otherwise provided by law, shall be punished by a fine of not less than \$10.00, and not more than \$50.00 or imprisonment in the county jail not more than 30 days, or by both such fine and imprisonment.

Title 63, Section 30: Any person who wilfully opposes or obstructs any health officer or physician charged with the enforcement of the health laws, in performing any legal duty, is guilty of a misdemeanor.

Note: Indictment and information must allege what rule of the Board of Health or State Health Commissioner has been violated. *Silkett v. State*, 29 Okl. Cr. 17, 232 P. 127. For cases on obstructing justice see 12 A.L.R. 249.

(b) RELATION TO PUBLIC HEALTH

Title 63, Section 541: The words "venereal disease" shall include any and all diseases commonly communicable from any person to another person of the opposite sex through or by means of sexual intercourse and found and declared by medical science to be infectious and contagious.

Rule 1. The State Board of Health finds that syphilis, gonococcus infection and chancroid, commonly referred to as "venereal diseases," have been found and declared by medical science to be infectious, contagious and communicable, and, therefore, syphilis, gonococcus infection and chancroid are hereby declared to be infectious, contagious and communicable diseases, dangerous to the public health.

Note: "Included among the so-called 'venereal diseases' are syphilis, gonorrhea, chancroid or soft chancre, lymphogranuloma venereum, and granuloma inguinale. In their acute stages all are dangerous communicable diseases; in either their acute or chronic stages, they are hazardous to health.

"Theoretically, the venereal diseases should be controlled by health departments in the same manner that other contagious diseases are controlled.

"Since all venereal diseases are unquestionably dangerous to the public health and welfare, reasonable legislative and administrative measures for their prevention and control are recognized as a valid exercise of the police power of the State." Tobey Public Health Law, Page 162, 1939 Edition.

(c) VENEREAL DISEASES ARE TO BE REPORTED

Rule 6: All practicing physicians in each county and city of this State shall make a written report of all cases of venereal disease diagnosed by them, or under their care, or of whom they may have knowledge, to the State Commissioner of Health on forms to be prescribed and furnished by the State Board of Health. Those physicians practicing in the jurisdiction of a whole-time health officer shall make reports upon the forms prescribed by the State Board of Health to the local health officer. The local health officer shall transmit all such reports to the State Commissioner of Health within twenty-four hours. All such reports shall be confidential.

Title 63, Section 12: All practicing physicians in each county shall make a report to the County Superintendent of Health for such county upon forms to be prescribed and furnished by the State Board of Health, of all the cases of infectious and contagious diseases, such report shall be made by said physician as soon as the disease is discovered. Failure to so report is a misdemeanor.

Note: "Prompt and accurate notification of the existence of a communicable (infectious and contagious) disease is one of the first requisites for its proper control. This principle has been recognized since 1883." Tobey Public Health Laws, Page 134, 1939 Edition.

Title 63, Section 13: Every physician in any city shall make a report to the City Superintendent of Public Health, upon forms prescribed and furnished by the State Board of Health, of all cases of infectious and contagious diseases, as soon as discovered by him or coming to his knowledge. Failure to report is a misdemeanor.

Note: See above Section for annotation. Also, "Laws, ordinances and regulations of this nature have been sustained by courts of last resort on numerous occasions." Review of Court Decisions Pertaining to Morbidity Reports, Public Health 43:3369, Dec. 21, 1928.

(d) REPORTS TO BE CONFIDENTIAL

Title 63, Section 549: All records provided for herein to be filed and kept shall not be exposed to any person other than the health authorities or when properly ordered by court of com-

petent jurisdiction to be used as evidence in such court. Violation of this provision is a misdemeanor.

See Rule 6 (c) above

Note: "Reports of communicable diseases received and recorded by health departments are administrative records and not public records, unless a statute authorizes to the contrary, all reports are confidential and may not be revealed to any person, association, corporation, or private agency." Tobey Public Health Law, Page 137, 1939 Edition.

Title 63, Section 547: All institutions, whether penal or eleemosynary, and whether public or private, shall make and preserve for a period of at least one year, a record of all infected persons of the inmates of such institution that may come to their knowledge, and shall submit such record for the inspection of the health authorities in the state.

(e) EXAMINATION

Title 63, Section 20: Upon receiving information that there is any case of infectious or contagious disease in the state, the State Commissioner of Health, if upon investigation he deems it necessary, or some competent physician or health officer ordered by him, shall proceed immediately to said place and investigate the reported case and take such legal steps necessary to protect the public health of the state of such locality.

Rule 2: Prostitution is declared to be the most prolific source of venereal diseases and the repression of prostitution is declared to be a public health measure. Local and State Health Officers and their duly authorized representatives are empowered and directed to use every proper means to aid in suppressing the same, and such health officers are further directed to cooperate with the proper officials in the enforcement of laws, rules and regulations directed against prostitution.

Rule 4, Section 2 (a): To make examinations of all persons reasonably believed by them to be infected with syphilis, gonococcus infection, chancroid, or other infectious venereal diseases, and to detain such persons until the results of such examinations are known. Owing to the prevalence of such diseases among prostitutes, pimps and other promiscuous persons, all such persons may be considered in the above class.

Title 63, Section 542: It is unlawful for any person, being an infected person, to refuse, fail, or neglect to report such fact to, and submit to examination and treatment by, some reputable physician. This Section prescribes penalty for violation.

Rule 3: Persons believing themselves to be infected with venereal disease are required forthwith to place themselves under the care and treatment of a legally qualified practitioner of

medicine or shall report to the local or State Health Officer to determine whether or not such infection exists.

Title 63, Section 548 (as amended by H. B. 37, 1943): The keeper, manager, guard, or person in control of every prison or penal institution in this State, shall cause to be examined every person confined in such prison or penal institution after conviction for any offense, to determine whether such person is an infected person. State and local health officers, or their authorized deputies who are physicians, are empowered to examine those who are arrested by lawful warrant for vagrancy, prostitution, rape, or other sex crimes for the purpose of determining if they are infected with venereal disease. Every such person shall submit to such examination and permit specimens to be taken for laboratory examinations. Such person may be detained until the results of such examination are known. The required examination shall be made by the health officer, or, at the option of the person to be examined, by an approved licensed physician. All persons found to be infected with a venereal disease shall be treated by the local health officer or a licensed physician until said person is non-infectious or dismissed by said physician. In the event such person infected with venereal disease refuses or fails to submit to treatment, then said person may be quarantined for the purpose of treatment and reported to the State Board of Health.

Title 63, Section 549: See (d) above.

(f) PRENATAL EXAMINATION LAW

Title 63, Section 550: Every physician attending a pregnant woman in the State during gestation shall, in the case of each woman so attended, at her request or with her consent, take or cause to be taken a sample of blood of such woman at the time of first examination, and submit such sample to an approved laboratory for a standard serological test for syphilis. Every other person permitted by law to attend upon pregnant women in the State, but not permitted by law to take blood tests, shall cause the blood of such pregnant woman to be taken by a duly licensed physician and submitted to an approved laboratory for a standard serological test for syphilis. The term "approved laboratory" means a laboratory approved for this purpose by the State Commissioner of Health. A standard serological test for syphilis is one recognized as such by the State Commissioner of Health. Such laboratory tests as are required by this Act shall be made on request without charges by the State Department of Public Health.

Title 63, Section 551: In reporting every birth and stillbirth, physicians and others permitted to attend pregnancy cases and required to report births and stillbirths shall state on the

certificate of birth whether a blood test for syphilis has been made during such pregnancy upon a specimen of blood taken from the woman who bore the child for which a birth or still-birth certificate is filed and, if made, the date when such test was made, and, if not made, the reason why such test was not made. Such information shall be in addition to that required to be included in certificates of birth by Section 4509. Oklahoma Statutes 1931. In no event, however, shall the certificate of birth state the result of the test herein required.

(g) TREATMENT

Title 63, Section 542: See (e) above.

Title 63, Section 545: Any person not a physician, who undertakes to treat or cure any infected person for pay, unless acting under the direction and control of a physician, shall be guilty of a misdemeanor, provided, however, that any person infected applying to any physician in the state shall receive the treatment provided for by law, regardless of his ability to pay.

Title 63, Section 547: Any and all institutions in the state, whether penal or eleemosynary, and whether public or private, shall furnish a physician and all proper medicines, instruments and apparatus for the proper treatment of such infected person.

Title 63, Section 548: See (e) above.

Title 63, Section 549: See (d) above.

Rule 4, Section 2 (b): And thereupon cause to be administered to such a person, or persons, a proper course of treatment.

Title 63, Section 544: Any physician who shall, after having knowledge or information that any person is or may be an infected person, sell, give or furnish to such infected person a discharge from treatment, or written instrument or statement pronouncing such infected person cured, before such infected person is actually cured, shall be guilty of a misdemeanor.

(h) QUARANTINE

Rule 4, Section 2 (b): To isolate such of these persons concerning whom no different procedure is provided by law whenever in the opinion of the local health officer, deputy state health officer, or the State Health Commissioner, isolation is necessary to protect the public health. In establishing isolation, the health officer shall define the place and the limits of the areas in which such person or persons may be isolated, and no person other than the attending physician shall enter or leave the area of isolation without the permission of the health officer having jurisdiction;

and thereupon, cause to be administered to such person, so isolated, a proper course of treatment. Provided that a woman may be quarantined and isolated at the Oklahoma Rapid Treatment Hospital, Rush Springs, Oklahoma, or any other suitable place that may be hereinafter approved by the State Commissioner of Health. Provided, however, that nothing contained herein shall be construed so as to prevent any municipality from designating a proper place for the isolation and treatment of such persons under and by virtue of any local authority.

Title 63, Section 12: Upon receiving report of case of infectious and contagious diseases in the county, the County Superintendent of Public Health shall issue an order of quarantine in such form as may be stipulated by the rules and regulations of the State Board of Health, requiring such local Board of Health to serve a copy thereof upon such infected person and upon the person having charge of such infected person, in the same manner as criminal processes are served. All other persons exposed to such infectious or contagious disease, who shall leave the place where he has been isolated, without the consent of the health authorities, shall be guilty of a misdemeanor. Confined or isolated persons shall not be released from isolation or quarantine without an order from the County Superintendent of Public Health. Upon discovery of a case of infectious disease, a physician shall have the power to place in effect a temporary quarantine until the proper authority can order a quarantine. The same penalty provided for violation of an order of quarantine shall be enforced against the violation of an order of quarantine of the health authorities made by such physician.

Title 63, Section 14: The same provisions as provided in Title 63, Section 12 are provided for cases of quarantine in cities.

Title 63, Section 547: All penal or eleemosynary institutions in the state shall isolate and separate all infected persons from all other persons in such institutions.

Title 21, Section 1195: Every person who, having been lawfully ordered by any health officer to be detained in quarantine and not having been discharged, leaves the quarantine grounds or wilfully violates any quarantine law or regulation, is guilty of a misdemeanor.

Note: Persons restrained by local health officers not entitled to discharge on habeas corpus, but it is the proper method to inquire into the legality of restraint. See (a) above for authorities listed.

(i) INFECTING OR EXPOSING ANOTHER TO INFECTION

Title 63, Section 12: Persons confined or isolated by order of the local board of health shall not be released or relieved of

such isolation or quarantine without an order from the County Superintendent of Public Health.

Title 63, Section 14: This contains the same provisions as are contained in Title 63, Section 12 above for confined or isolated persons in cities.

Title 63, Section 24: If a prisoner in a jail, house of correction, or workhouse has a disease which, in the opinion of any county or city superintendent of public health, or such other physician as they or either of them may consult, is dangerous to the safety and health of other prisoners or of the inhabitants of the town or city, such county or city superintendent of public health shall in writing direct his (or her) removal to a hospital or such other place of safety, there to be provided for and securely kept until it is further ordered.

Title 63, Section 543: Any person who shall, after becoming infected and before being discharged and pronounced cured by a reputable physician in writing, marry any other person, or expose any other person by the act of sexual intercourse to such venereal disease, shall be guilty of a felony and upon conviction shall be punished by confinement in the penitentiary for not less than one year nor more than five years.

Title 63, Section 544: See (g) above.

Rule 5: Persons quarantined or isolated under the provisions of the general statutes and/or these rules for the prevention, suppression, control and cure of venereal diseases shall be released only upon order of the local or county health officer, after receipt of a written report from the attending physician stating that the disease has terminated, or that the patient is in a non-infectious stage, and that the patient by reason thereof should be released.

Title 21, Section 1224: Any person inoculated with syphilis or gonorrhea who spreads or causes to be spread to any other persons with intent to, or recklessly is responsible for the spread of or prevalence of such infectious disease, shall be deemed a felon, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not more than five years nor less than two years.

Title 21, Section 1199: Every person who wilfully exposes himself or another person, being infected with any contagious disease, in any public place or thoroughfare, except in his necessary removal in a manner not dangerous to the public health, is guilty of a misdemeanor.

(j) ADVERTISING CURES

The advertising of cures for venereal diseases is not prohibited in Oklahoma.

(k) SALE OF REMEDIES WITHOUT PRESCRIPTION

Title 63, Section 546: It is unlawful for any dealer to sell, furnish, or give to any infected person or to any other person whomsoever, any medicine of any kind that may be advertised or used for treatment of venereal diseases before requiring such person to produce and file with such dealer a proper prescription for such medicine, issued and signed by a reputable physician. Said prescription shall be kept on file for a period of one year. A violation of this provision shall be punished by fine of not less than \$100.00 nor more than \$500.00, or by confinement in the county jail for a term of not less than thirty days and not more than six months, or by both such fine and imprisonment. This Section provides for the inspection of such records by health officers at reasonable hours.

(l) REQUIREMENTS PERTAINING TO MARRIAGE

This state does not require a certificate showing freedom from a venereal disease as a prerequisite to the issuance of a marriage license.

Title 63, Section 543: See (i) above.

Title 63, Section 544: See (g) above.

(m) OPHTHALMIA NEONATORUM

Title 63, Section 71: "Ophthalmia neonatorum" defined.

Title 63, Section 72: It shall be the duty of any physician, surgeon, obstetrician, midwife, manager or person in charge of a maternity home or hospital or other public or private institution in the State of Oklahoma, parent, relative or persons attendant on or assisting in any way whatsoever any infant, or mother of any infant at childbirth or any time within twenty-four hours after childbirth, knowing the conditions hereinabove defined to exist, to report within six hours and confirm such fact in writing within three days, to the local health officer of the county, city, town, magisterial district or whatever other political division there may be within which the infant or the mother of any infant may reside.

On receipt of such report, the health officer or the physician notified, where no health officer exists, shall immediately give to the parents or persons having charge of such infant, and shall for indigent cases provide the necessary treatment at the expense of said county, city or town.

Title 63, Section 73: It shall be unlawful for any physician or midwife, osteopaths and chiropractors practicing midwifery to neglect, or otherwise fail to instill immediately upon its birth,

in both eyes of the newborn child, a one percent solution of nitrate of silver or other proven antiseptic, which shall be furnished by the State Board of Health in individual ampules containing the proper solution and quantity for one treatment in both eyes. Should a physician or the parents of said child deem it best for the interests of his patient not to use any prophylactic, he shall not be required to do so provided that he states fully in writing to the local health officer of the county, city, town, magisterial district or whatever other political division there may be within which the infant or the mother of any infant may reside, within three days from the birth of said child, his reasons for not doing so.

Title 63, Section 74: Every physician or midwife shall, in making a report of a birth, state whether or not the above solution was instilled into the eyes of said infant.

Title 63, Section 75: It shall be the duty of the local health officer:

1. To investigate, or have investigated, each case reported ophthalmia neonatorum as shall have been filed with him in pursuance of the law, and such other cases as may be brought to him.

2. To report to the State Board of Health all cases of inflammation of the eyes of the newborn and the result of all such investigations in such form as the State Board of Health may prescribe and direct.

3. To conform to such other rules and regulations as the State Board of Health shall designate and promulgate for further guidance.

Title 63, Section 76: It shall be the duty of the State Board of Health:

1. To enforce the provisions of this Act.

2. To promulgate such rules and regulations as shall, under this Act, be necessary to secure the purposes of this Act, and which the Board may deem necessary for the further and proper guidance of local health officers.

3. To provide for the gratuitous distribution of silver nitrate outfits, in individual ampules, containing a one percent solution with proper directions for the use and administration thereof, to all physicians and midwives as may be engaged in the practice of obstetrics or assisting at childbirth. Such directions may be printed in foreign languages in the discretion of the State Board of Health.

Title 63, Section 77: Whoever, being a physician, surgeon, obstetrician, midwife manager or person in charge of a maternity home or hospital, or public or private institution in the

State of Oklahoma, violates any of the provisions of this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than \$50.00 nor more than \$1,000 for the first offense, and not less than \$100.00 nor more than \$2,000.00 for subsequent offenses.

Title 63, Section 78: Nothing in this Act shall be construed to compel persons or parents to conform to same, who have religious beliefs contrary to the use of medicines.

(n) RULES OF THE STATE BOARD OF HEALTH OF OKLAHOMA, FOR THE PREVENTION AND CURE OF VENEREAL DISEASES, THE PREVENTION OF THEIR SPREAD, AND FOR THE QUARANTINE OF INFECTED PERSONS.

Rule 1: The State Board of Health finds that syphilis, gonococcus infection and chancroid, commonly referred to as "venereal diseases," have been found and declared by medical science to be infectious, contagious and communicable, and, therefore, syphilis, gonococcus infection and chancroid are hereby declared to be infectious, contagious and communicable diseases, dangerous to the public health.

Rule 2: Prostitution is declared to be the most prolific source of venereal diseases and the repression of prostitution is declared to be a public health measure. Local and state health officers, and their duly authorized representatives are empowered and directed to use every proper means to aid in suppressing the same, and such health officers are further directed to cooperate with the proper officials in the enforcement of laws, rules and regulations directed against prostitution.

Rule 3: Persons believing themselves to be infected with a venereal disease are required forthwith to place themselves under the care and treatment of a legally qualified practitioner of medicine or to report to the local or state health officer for examination and treatment.

Rule 4: Section 1: Local, county, and city health officers throughout the state, and deputy state health officers appointed for that purpose are hereby authorized and directed to use every available means to ascertain the existence of and immediately investigate all suspected cases of syphilis in communicable form, gonococcus infection, or chancroid, or other venereal diseases within their respective jurisdictions and to ascertain the sources of such infections.

Rule 4: Section 2: In such investigations said local health officers, deputy state health officers, or their duly authorized representatives, are hereby vested with full powers of inspection, examination, isolation and disinfections of all places, per-

sons and things, and as such inspectors said local health officers, or their duly authorized representatives, who are physicians, are hereby authorized:

(a) To make examinations of all persons reasonably believed by them to be infected with syphilis, gonococcus infection, chancroid, or other infectious venereal diseases, and to detain such persons until the results of such examinations are known. Owing to the prevalence of such diseases among prostitutes, pimps and other promiscuous persons, all such persons may be considered in the above class.

(b) To isolate such of these persons concerning whom no different procedure is provided by law whenever in the opinion of the local health officer, deputy state health officer, or the State Health Commissioner, isolation is necessary to protect the public health. In establishing isolation, the health officer shall define the place and the limits of the areas in which such person or persons may be isolated, and no other person other than the attending physician shall enter or leave the area of isolation without the permission of the health officer having jurisdiction, and thereupon, cause to be administered to such person, so isolated, proper course of treatment. Provided that a woman may be quarantined and isolated at the Oklahoma Rapid Treatment Hospital, Rush Springs, Oklahoma, or any other suitable place that may be hereinafter approved by the State Commissioner of Health. Provided, however, that nothing contained herein shall be construed so as to prevent any municipality from designating a proper place for the isolation and treatment of such persons under and by virtue of any local authority.

Rule 5: Persons quarantined or isolated under the provisions of the general statutes and/or these rules for the prevention, suppression, control and cure of venereal diseases shall be released only upon order of the local or county health officer, after receipt of a written report from the attending physician stating that the disease has terminated, or that the patient is no longer infectious or likely to become so.

Rule 6: All practicing physicians in each county and city of this State shall make a written report of all cases of venereal disease diagnosed by them, or under their care, or of whom they may have knowledge, to the State Commissioner of Health on forms to be prescribed and furnished by the State Board of Health. Those physicians practicing in the jurisdiction of a whole-time health officer shall make reports upon the forms prescribed by the State Board of Health to the local health officer. The local health officer shall transmit all such reports to the State Commissioner of Health within twenty-four hours. All such reports shall be confidential.

Rule 7: No person suffering from or infected with the communicable form of a venereal disease shall engage in any

occupation involving intimate contact with children, or in the occupation of nurse, domestic servant, barber, hairdresser, chiropodist, manicurist, bath attendant or masseur.

Rule 8: Every physician who examines or treats a person having a venereal disease shall give or arrange for the instruction of such persons in measures for preventing the spread of such diseases, and regarding the necessity of treatment therefor until cured.

Rule 9: All county and city health officers shall do everything possible to promote public understanding of the venereal diseases and the means for their control and prevention.

Rule 10: Standards which shall govern in determining the infectivity of and the period of control and treatment of persons suspected of being infected, or having been found to be infected with a venereal disease:

A. Acute and Chronic Gonorrhea:

- (a) A diagnosis of infectious gonorrhea will only be established when a person with or without (gonococcus carrier) clinical signs, symptoms and history of acute gonorrhea is found to have positive laboratory findings, such as:
 - 1. Typical culture of gonococcus.
 - 2. A positive smear of gram negative intracellular diplococci typical of gonococcus in form and arrangement.
- (b) The period of control and treatment in all cases of gonorrhea shall be based upon the following criteria for cure:

Male:

- 1. Freedom from discharge.
- 2. Clear urine.
- 3. Urethral smear (Gram's strains) must be negative for gonococci on two successive examinations at intervals of not less than forty-eight hours.
- 4. Prostatic smears negative to gonococci on two successive tests.
- 5. Provocative measures, if used, (injection of silver nitrate following passage of urethral sounds) should result in negative smears on examination of the discharge.
- 6. Cultures negative whenever the facilities for doing same are available.

Female:

- 1. No unusual vaginal discharge.
- 2. Two successive negative examinations for gonococci of the secretions of the urethra, vagina and of the cervix with an interval of at least forty-eight hours, and repeated for four successive weeks, unless a shorter interval in the opinion of the health officer would be sufficient. These smears should be taken from the secretions of Skene's or Bartholin's glands, from the secretions expressed from the urethra and

from the cervix after all secretions have been mopped away from the external os.

3. Provocative measures, if used, (injection of silver nitrate following passage of urethral sounds) should result in negative smears on examination of the discharge.
4. Cultures negative whenever the facilities for doing same are available.

B. Syphilis:

(a) Classifications:

The classification of syphilis which is set up as a standard for all cases of syphilis reported by private physicians and clinics to the Oklahoma Department of Public Health as follows:

1. Primary—(Chancre present)
2. Secondary—(Skin, mucous membrane, alopecia
Early eye infection
Early central nervous system)
3. Early latent (Asymptomatic) of four years or less duration.
4. Late latent (Asymptomatic) of more than four years duration.
5. Cardiovascular—Uncomplicated aortitis
Aortic regurgitation
Aneurysm
Other, or undetermined
6. Neurosyphilis—Asymptomatic—spinal fluid changes only
Tabes dorsalis
Paresis
Other, or undetermined
7. Late Syphilis other than above
Skin Liver
Bone Other Visceral
8. Prenatal—(Congenital—Infected before birth. Clinical or laboratory evidence.)
Interstitial Keratitis
Other, or undetermined.

(b) Diagnosis:

A diagnosis of infectious or early syphilis will only be established when a person with or without clinical signs, symptoms and history, is found to have positive laboratory findings as follows:

1. Darkfield examination reveals *Treponema pallidum*.
2. Positive serological test by a method approved by the Oklahoma Department of Public Health.

A diagnosis of late syphilis will only be established when a person with or without clinical signs, symptoms and history, is found to have positive laboratory findings as follows: Positive blood serology findings, and/or a positive spinal fluid examination.

Persons with positive blood serology are regarded as infectious when late manifestations (such as gumma) have broken down as open sores.

(c) The period of control and treatment in all cases of syphilis shall be based upon the following.

1. A case may be considered non-infectious when the patient has received a minimum amount of continuous uninterrupted treatment of twenty intravenous injections of an arsenical and twenty intramuscular injections of a heavy metal, or an equivalent amount of oral treatment.
2. When there is an absence of signs and symptoms of infective syphilis, such as ulcers, discharging lesions, and condylomata.
3. When negative blood serology tests and spinal fluid tests, approved by the Oklahoma Department of Public Health, are obtained.
4. Wassermann resistant, or Wassermann fast cases will be considered non-infectious only if they have received a minimum of two years of continuous, uninterrupted treatment.

C. Chancroid:

(a) A diagnosis of chancroid will only be established when a person with or without clinical signs, symptoms, and history, is found to have the following criteria:

1. A positive smear for Ducrey organisms.
2. Positive Ducrey skin reaction.
3. Negative Darkfield.
4. Negative Wassermann.
5. Negative Frei Test.

(b) Treatment:

Cases of chancroid shall be kept under control and treatment until all ulcers and discharging bubos are fully healed.

D. Lymphogranuloma Venereum:

(a) A diagnosis of lymphogranuloma venereum will only be established when a person with or without signs, symptoms, and history is found to have:

1. A positive Frei test.
2. A negative Darkfield.
3. Negative blood serology.

(b) Treatment:

Lymphogranuloma venereum shall be kept under control until all skin lesions are fully healed.

E. Granuloma Inguinale:

(a) A diagnosis of granuloma inguinale will only be established when a person with or without clinical symptoms, signs and history is found to have:

1. Laboratory findings of typical Donovan-like bodies.
2. Negative Darkfield.
3. Negative blood serology.

(b) Cases of granuloma inguinale shall be kept under control and treatment until all skin lesions are fully healed.

ARTICLES OF INSTRUCTION AND PROCEDURE

(To be Attached to the Rules and Regulations on Venereal Diseases of the State Board of Health)

RESOLVED, by the State Commissioner of Health of the State of Oklahoma, That the procedure outlined in the following Articles of Instruction, numbered from one to twelve, be, and the same are hereby adopted as the official procedure to be followed by all local health officers of the State when information reaches them concerning the existence of a case of venereal disease, and that all local health officers be, and the same are hereby directed to follow this procedure and investigate all information received concerning the existence of cases of venereal disease, and take appropriate action in each case to protect the public health.

1. When a duly qualified physician reports a case of venereal disease by number and withholds the name of the patient, it is understood that the physician accepts responsibility for the conduct of the patient, and the health officer should transmit all such reports to the State Commissioner of Health. Should information reach the local health officer, through channels other than a physician's report, that the conduct of a patient whose case has been reported by number is such as to expose others to infection, it is the duty of the health officer to take appropriate action to protect the public health, even though such action should require quarantine of such infected person.

2. When the names and addresses of persons infected with venereal disease are reported by physicians, the procedure adopted should be such as will extend every proper courtesy to the physician making the report, duly respect the confidential nature of the information and adequately protect the public health. Should the report be made direct to the local health officer, it is advisable to see the physician personally, if practicable, and get all the information possible as to the character of such infected person and the likelihood that the patient's conduct may be such as might spread the disease to others.

3. After a talk with the attending physician, if an interview with the patient is deemed necessary, a private interview should be sought at the earliest opportunity. The purpose of the interview should be disclosed to no one except the patient. The provisions of the state regulations and local ordinance, if any has been passed, should be carefully explained so that the patient may fully appreciate the powers which the health officer may exercise under such regulations. It is probable that a plain talk of this kind, in which the patient is given to understand that he or she must follow instructions or they may be placed under quarantine by the health officer, will be sufficient to deter them from exposing others. If not, in order to protect the

public health, it is the duty of the health officer to institute quarantine without delay.

4. When the persons whose names are reported as having venereal diseases are known to the health officer to be prostitutes or pimps, or to be engaged in promiscuous sex activities and cannot be trusted to protect others from exposure to infection, it shall be the duty of the health officer to take such steps, including quarantine, to protect the public health as are not inconsistent with procedures required by existing law. In all cases where quarantine is instituted, the health officer will wish to satisfy himself as to the accuracy of the diagnosis.

5. Before deciding to quarantine a person infected with venereal disease, the health officer should study the facts in the case to determine the best method of handling the individual case. It is not desired to place the expense of maintaining and treating such persons for a considerable period upon the public unless such step is necessary to protect the public health. On the other hand, it is highly desirable that every person infected with venereal disease who is a menace to the public health while at liberty, should be placed in quarantine.

6. The health officer should examine promptly and thoroughly by both clinical and laboratory methods, all persons referred by peace officers as persons whose behavior furnishes reasonable grounds for believing that they are infected with a venereal disease, and take appropriate action to protect the public health in all cases found to be infected.

7. An official inquiry concerning all persons having purchased drugs for the treatment of venereal disease should be promptly made by the health officer or his representative, to determine if such person is conducting himself or herself in a manner prejudicial to the public health. Measures for the treatment or quarantine of such individuals should be conditioned upon the results of such inquiry. In no case should the health officer himself treat such persons for pay, as this will cause his motives to be suspected.

8. When there is reason to believe that a person is a menace to the public health, such person may be apprehended by a peace officer upon an order issued by a health officer. Such an order continues the authority of the peace officer or health officer for detaining the suspected person until the medical examination has been completed.

9. When a health officer orders persons placed in quarantine for venereal disease at the Oklahoma Rapid Treatment Hospital, Rush Springs, Oklahoma, for women, the actual transfer to the place of quarantine will be made by a peace officer or health officer. A quarantine order issued by the health officer au-

thorizes both transfer to place of quarantine and detention under quarantine until the patient may be released as non-infectious.

10. All reports of venereal disease are required to be confidential and all administrative measures for the control of venereal disease should be carried out with as little publicity as possible. Publicity may be most embarrassing to innocent members of the family.

11. Information concerning the presence of venereal disease may often reach the health officer through channels other than official. Private citizens or representatives of certain societies or civic organizations may report cases, and it is the duty of the health officer to carefully investigate all cases so reported. Should the investigation furnish evidence that seems sufficient, the health officer should either persuade the suspected persons to submit to an examination or issue a pick-up order to be served by a peace officer. All cases should be dealt with in a manner that will safeguard both the rights of the individual and the public health.

12. When persons who have previously been quarantined for venereal disease become reinfected, it may be advisable to have them prosecuted, if the evidence of violation of law is sufficient, and sent to prison under a court order if the period of detention for such offense be for a longer period than is possible under a quarantine order of the health officer. It is the duty of all health officers to cooperate fully with the courts and with peace officers in the repression of prostitution, which is recognized as the most prolific source of venereal disease.

WHEREAS, the necessity for the protection of the public health from all infectious, contagious and communicable diseases, including the venereal diseases, is accentuated by the location of large bodies of soldiers and sailors in this State, by the authority vested in me by the laws of the State of Oklahoma, I have this day adopted the foregoing rules and regulations for the control and suppression of all infectious, contagious and communicable venereal diseases, together with articles of instructions as to procedure for local health officers.

ADOPTION AND REPEAL

It is ordered that the foregoing rules, regulations and articles of instruction as to procedure, governing the safeguarding of the public health of Oklahoma, be and the same are hereby adopted.

All previous rules and regulations in conflict with the foregoing rules and regulations are hereby repealed.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and attested the same with the seal of my office on this 25th day of January, 1944, in the city of Oklahoma City, the Capital of Oklahoma.

G. F. Mathews M.D.

G. F. Mathews, M.D.
State Commissioner of Health.



A D D E N D A

Since compiling the above laws, rules, regulations and instructions, two questions have arisen, to-wit:

First, under what authority are peace officers governed in the enforcement of rules and regulations of the State Board of Health, or local health authorities?

Title 63, Section 15, Oklahoma Statutes 1941 reads as follows:

"Section 15. OFFICERS OR DEPUTIES MAY SERVE ORDERS OF HEALTH OFFICERS OR BOARDS.-- Orders made and issued by the county superintendent of public health, or the township or town board of health, may be served by the sheriff of the county, or any of his deputies, or by the constable of such township or any of their deputies, or by any person a resident of said county, authorized so to do by the president, or in his absence, any member of the township board of directors. Orders made and issued by the county superintendent of public health or the town board of health, may be served by the sheriff of the county, or by any of his deputies, or by the town marshal or any peace officer of the town, or any person authorized so to do by the president of the board of directors, or in his absence, any member of the said board of directors of said town. Orders made and issued by the city superintendent of public health, or the mayor and council as the city board of health, may be served by the city marshal, or the chief of police of said city, or any policeman or other peace officer of said city, or any constable of said city, or any person deputized by the mayor, or in his absence, by the president of the council; and any such officer herein authorized to serve such orders as herein provided, or any person deputized to serve such orders as herein provided, shall have all the powers of a peace officer in the performance of his duties." R. L. 1910, Sec. 6798.

Laws 1907-08, p. 712; C. S. 1921, Sec. 8679; St. 1931, Sec. 4455.

Title 63, Section 21, Oklahoma Statutes 1941 reads as follows:

"Section 21. PEACE OFFICERS TO ASSIST HEALTH OFFICERS. -- The State Commissioner of Health and the county superintendent of public health in each county shall have the right, and it shall be their duty, to call upon the sheriff of the county, or any constable of the county, the chief of police or marshal of any municipalities, where any contagious or infectious disease is discovered or located, to assist in the isolation and quarantine of the person having such contagious and infectious disease, and all persons exposed to said disease and liable to spread said disease, and it shall be the duty of any such officer to assist such health officer and to arrest any and all persons, with or without warrants, who violate any of the rules prescribed by the State Board of Health in reference to quarantine regulations. R. L. 1910, Sec. 6804.

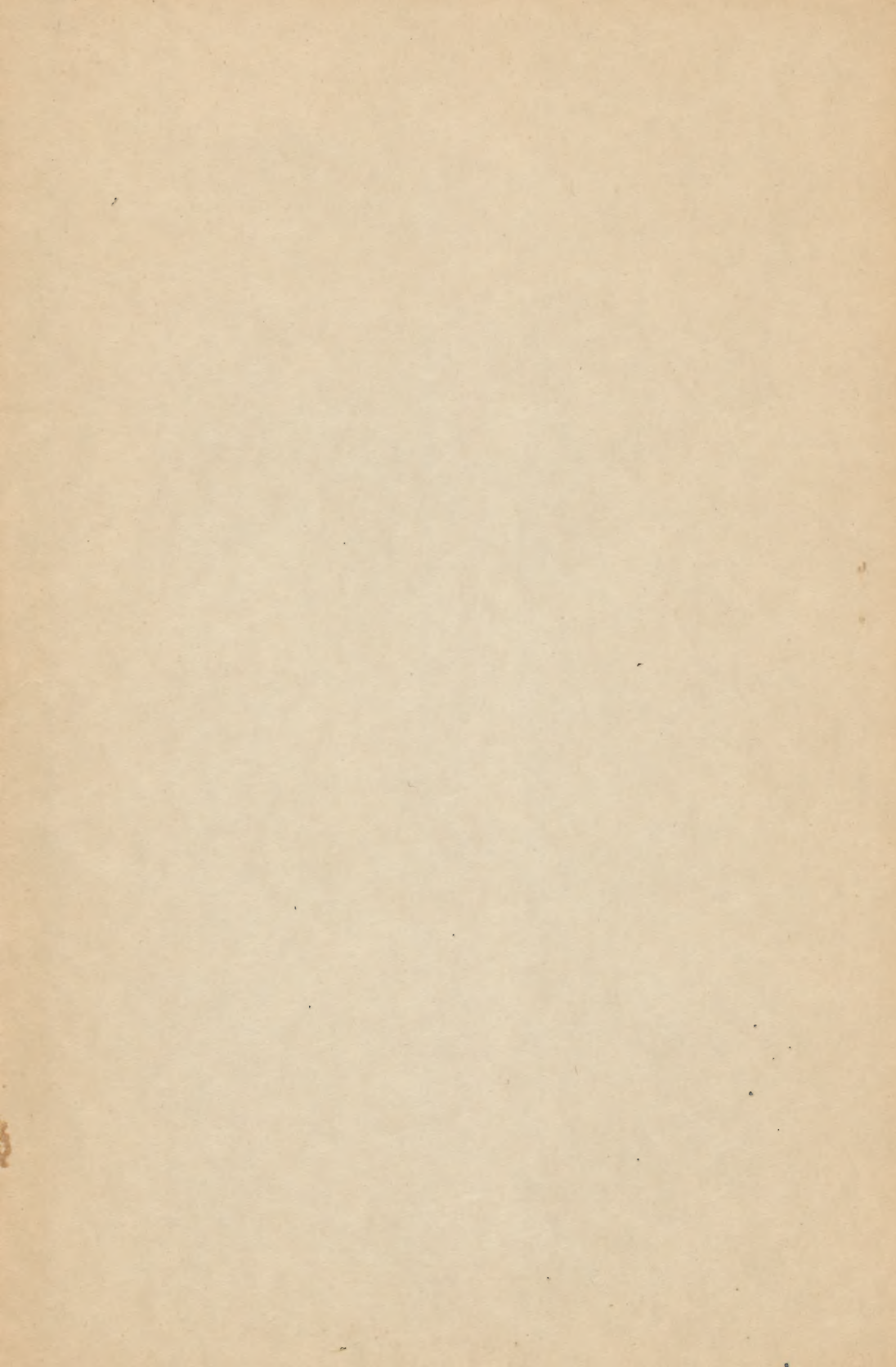
Laws 1907-08, p. 714; C. S. 1921, Sec. 8685; St. 1931, Sec. 4460.
Sheriff and Constables.

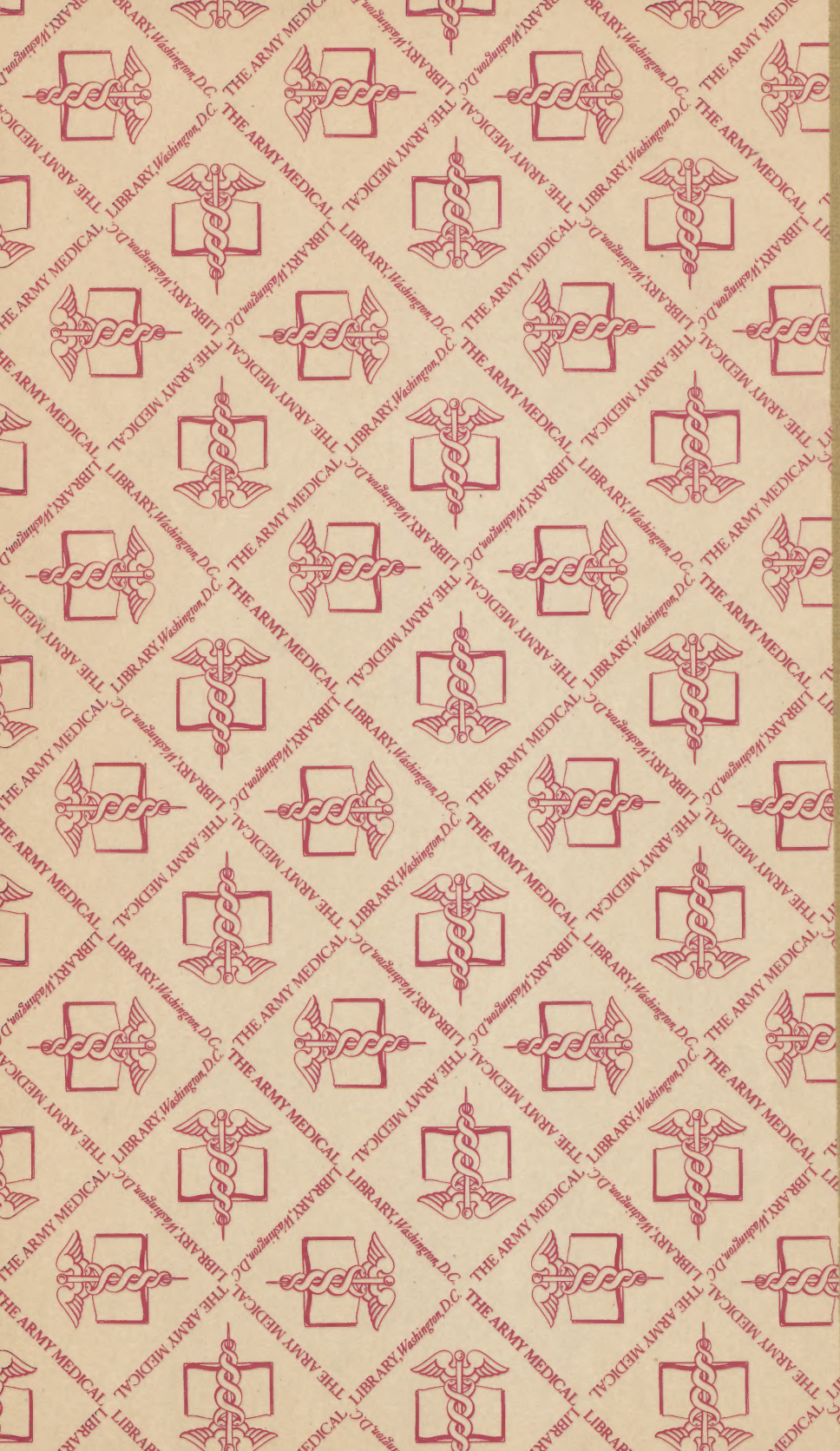
Second, County Attorneys must assist health boards in the enforcement of health laws, rules and regulations. See Title 63, Section 31, Oklahoma Statutes 1941, which reads as follows:

"Section 31. COUNTY ATTORNEY TO ASSIST HEALTH BOARDS. -- It shall be the duty of the county attorney of each county to defend said boards of health in any suits against them and to prosecute any person who shall violate the provisions of this Article, and he shall file and prosecute appropriate judicial proceedings in the name of the State on request of the State Commissioner of Health. R. L. 1910, Sec. 6814.

1. R. L. 1910, ch. 67, art. 1, incorporated in this title.
Laws 1907-08, p. 716; C. S. 1921, Sec. 8695; St. 1931, Sec. 4470.
District and Prosecuting Attorneys.

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